

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JOHN JACOB GULLATT, III,

Plaintiff,

v.

JEFF DIRKSE, et al.

Defendants.

No. 1:20-cv-00473-NONE-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

(Doc. No. 17)

At the time this case was filed, Plaintiff John Jacob Gullatt, III was a pretrial detainee or federal prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 22, 2020, the assigned magistrate judge screened plaintiff's complaint and concluded that it was subject to dismissal under the *Younger* abstention doctrine because plaintiff was seeking an injunction against active state criminal proceedings. (Doc. No. 14.) The magistrate judge granted plaintiff leave to amend, and, alternatively, notified plaintiff that he could file a statement indicating that he wished to stand on his complaint.

On August 14, 2020, plaintiff filed a motion for an extension of time while he resolved his federal criminal proceedings and stated that he might seek counsel in connection with this action. (Doc. No. 15.) The magistrate judge granted plaintiff a 90-day extension of time to respond to

1 the screening order on September 9, 2020. (Doc. No. 16.)

2 After that deadline expired without plaintiff responding to the screening order, the
3 magistrate judge issued findings and recommendations on March 8, 2021, recommending that
4 plaintiff's complaint be dismissed without prejudice due to his failure to comply with a court
5 order and to prosecute. (Doc. No. 17.) The Court permitted plaintiff fourteen days to file
6 objections thereto and, alternatively, noted that "[i]f, instead of or in addition to objecting,
7 plaintiff responds to the screening order and adequately explains why he failed to timely respond
8 to the screening order, the Court will vacate these findings and recommendations." (*Id.* at 6 n. 2.)

9 On June 11, 2021, plaintiff filed a motion for extension of time to file objections,
10 generally complaining about lack of access to legal resources. (Doc. No. 19.) On June 14, 2021,
11 the magistrate judge granted the extension, giving plaintiff a "final opportunity to file [within 30
12 days] his objections" but stating that it would "be the final extension of time." (Doc. No. 20 at 2.)

13 On July 16, 2021, plaintiff filed a motion for extension of time so that he could hire
14 counsel to respond to the findings and recommendations. (Doc. No. 23.) The magistrate judge
15 denied the motion. (Doc. No. 24.) To date, plaintiff has not filed any objections to the pending
16 findings and recommendations, and the time to do so has since expired.

17 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this
18 court has conducted a *de novo* review of this case. Having carefully reviewed the entire file, the
19 court finds the findings and recommendations to be supported by the record and proper analysis.

20 Accordingly,

- 21 1. The findings and recommendations issued on March 8, 2021, (Doc. No. 17), are
22 adopted in full;
- 23 2. This case is dismissed, without prejudice, because of plaintiff's failure to comply
24 with a court order and to prosecute this case; and

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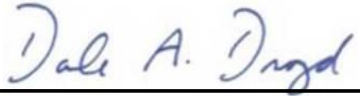
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1 3. The Clerk of the Court is directed to assign a district judge to this action for
2 purposes of closure and to close this case.

3 IT IS SO ORDERED.

4 Dated: **July 22, 2021**


UNITED STATES DISTRICT JUDGE